रजिस्ट्री सं. डी-(डीएन)-127 REGISTERED No. D-(DN)-127

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 46] नई दिल्ली, शुक्रवार, नवम्बर 6, 1987/कार्तिक 15, 1909
No. 46] NEW DELHI, FRIDAY, NOVEMBER 6, 1987/KARTIKA, 15, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 6th November, 1987:—

BILL NO. 77 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1987. Short title.

2. In article 54 of the Constitution, for clause (b), the following clause shall be substituted, namely:— Amendment of article 54.

"(b) the elected members of the Legislative Assemblies of the States and of the Legislative Councils, wherever these exist."

STATEMENT OF OBJECTS AND REASONS

As per article 54 of the Constitution, the President shall be elected by the members of an electoral college consisting of the elected members of both Houses of Parliament and elected members of the Legislative Assemblies of the States. In Karnataka, Maharashtra, Bihar, Uttar Pradesh and Jammu and Kashmir, Legislative Councils are also functioning and both Assembly and Council constitute the Legislature of a State. Just like Council of States, the Legislative Council is not subject to dissolution and the members of the Legislative Council enjoy the same powers, privileges and immunities as that of Legislative Assembly. There is a direct election to the Legislative Council from among Graduates, Teachers, etc.

Therefore, it is proper that the right to vote in the election to the office of President should also be given to the members of the Legislative Councils wherever they exist.

Hence this Bill.

NEW DELHI;
July 16, 1987

V. S. KRISHNA IYER

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the elected members of the Legislative Councils, wherever they exist, shall also have the right to vote in the election to the Office of President of India. More number of ballot papers have to be printed and this will incur some expenditure from the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

Whenever an election to the office of President of India is held, there will be a nominal expenditure of about rupees ten thousand.

No other expenditure is likely to be involved from the Consolidated Fund of India.

BILL No. 97 OF 1987

A Bill further to amend the Passport Act, 1967.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Passports (Amendment) Act, 1987.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 10.

2. In section 10 of the Passports Act, 1967, in sub-section (*3*),— 15 of 1967.

(*i*) after the words "impounded or revoke a passport or travel document,", the words "after serving a show-cause notice prescribing a reasonable time," shall be inserted;

(*ii*) in clause (*c*), the words, "or in the interests of the general public" shall be omitted;

(*iii*) the following proviso shall be added at the end, namely:—

"Provided that if the passport holder is residing abroad he shall, on request, be provided with a travel document to facilitate his return to India or an identity certificate to facilitate his stay abroad",

STATEMENT OF OBJECTS AND REASONS

The power to impound or revoke a passport has been used arbitrarily because the law as it stands now does not provide any guidelines. Sometimes an Indian citizen is stranded abroad and cannot come to India. If he wishes to stay abroad the lack of passport makes it difficult for him to do so. Also 'public interest' is a very wide term which can be misused. Hence, it is necessary to provide for giving of a show-cause notice to the holder of the passport, which should indicate the objectionable activities of the passport holder which have come to notice. He should also be provided with a travel document to return to India or a document of identity on the strength of which he can stay abroad.

Hence this Bill.

NEW DELHI;
August 3, 1987.

SYED SHAHABUDDIN

BILL NO. 100 OF 1987

A Bill to amend the Forest (Constitution) Act, 1980.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Forest (Conservation) Amendment Act, 1987.

Amendment of section 2.

2. In section 2 of the Forests (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after clause (*ii*), the following provisos shall be inserted, namely:— 69 of 1980.

"Provided that the Central Government shall not withhold its approval for deforestation, if the forest land is required for public purposes such as construction of irrigation or power projects, digging of irrigation canals, construction of roads or any other developmental scheme for the benefit of general public:

Provided further that the approval of the Central Government shall not be required if the area required is less than fifty hectares for a single scheme and if the State Government gives an undertaking to provide for afforestation or re-afforestation, as the case may be, of forest or other lands, other than reserved forests, of area equal to the land acquired for the scheme:

Provided also that the approval of the Central Government shall not be required if the State Government gives forest lands on lease under the tree pattas scheme to raise fruit-bearing trees like mango, guava, berry, etc.".

Insertion of new section 3A.

3. After section 3 of the principal Act, the following section shall be added, namely:—

Approval of schemes by the Central Government within a specified period.

"3A. The scheme approved by a State Government and sent to the Central Government for their approval shall be disposed of by the Central Government within a period of three months of its receipt.".

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 was enacted with an objective to prevent unauthorised felling of trees in reserved forest areas and check the alarming rate of deforestation in the country. In 1978 the Central Government issued a guideline to the States that all proposals involving use of forest land of and above 10 hectares should be referred to the Central Government for concurrence. While the anxiety and commitment of the Central Government to protect the reserved forests is appreciated, the State Governments are equally interested to prevent deforestation, and to take up reforestation of the denuded forest areas. The reduction in the forest area hitherto has taken place due to several reasons.

It is found that several very important developmental schemes for the benefit of general public, in several States could not be taken up due to the rigid provisions of the Forest (Conservation) Act, 1980. There should be flexibility, when the forest area involved is below 50 hectares for an important developmental work such as construction of irrigation or power projects, digging of irrigation canals, construction of roads in forest areas, etc. In such cases a State Government need not send proposal for prior approval of the Central Government but it should undertake compensatory reforestation in equal area other than reserved forest area and inform the Union Government about it. It is also felt that the schemes received for approval by the Union Government should be disposed of within three months from the date of receipt from the State Governments.

Hence this Bill.

NEW DELHI;
August 21, 1987.

V. SOBHANADREESWARA RAO

BILL NO. 98 OF 1987

A Bill further to amend the Tobacco Board Act, 1975.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Tobacco Board (Amendment) Act, 1987.

(*2*) It extends to the whole of India.

Amendment of section 8.

4 of 1975

2. In section 8 of the Tobacco Board Act, 1975 (hereinafter referred to as the principal Act), in sub-section (*2*),—

(*i*) in clause (*a*), after sub-clause (*vi*), the following sub-clause shall be inserted, namely:—

"(*vii*) the information which shall be furnished by the domestic cigarette manufacturers regarding the tobacco stocks held or required by them every year before the commencement of sowing of seedlings including the anticipated requirements for the next year;";

(*ii*) after clause (*d*), the following clause shall be inserted, namely:—

"(*dd*) recommending to the Central Government the minimum support prices, for different grades of Virginia tobacco every year, fairly in advance of the commencement of tobacco season, keeping in view the cost of cultivation, minimum export price and market conditions inside and outside the country.".

Amendment of section 26.

3. In section 26 of the principal Act, after sub-section (*2*), before Explanation, the following sub-section shall be inserted, namely:—

"(*3*) when an exporting company commits an offence by exporting sub-standard tobacco, contrary to the agreement, the registration of such exporting company shall be immediately cancelled and the persons responsible shall be punishable with imprisonment for a term which may extend to five years or with fine upto one lakh rupees or with both.".

Amendment of section 28.

4. In section 28 of the principal Act, after the words "Central Government", the words "or the Board" shall be added at the end.

STATEMENT OF OBJECTS AND REASONS

At present the Tobacco Board recommends minimum export price of tobacco to the Central Government and the Commission for Agricultural Costs and Prices fixes the minimum support price for different grades of virginia tobacco every year. However, Rubber Board fixes the minimum support price of rubber produced, Tea and Coffee Boards fix the minimum support prices for tea and coffee respectively. The Tobacco Board has adequate machinery to collect the data relating to the cost of production and yield per acre. It has the representatives of growers and traders, the Central and State Governments, as well as experts in the fields of production and marketing. It is felt that the Tobacco Board should be entrusted with the task of recommending to the Central Government the minimum support prices for different grades of tobacco instead of Agricultural Costs and Prices Commission doing the exercise.

The Board also regulates the area and the acreage in which tobacco should be grown. Excess production would result in slump in the market and growers could be exploited by traders and shortage of production might result in steep rise in price. For correct assessment, it is necessary that the domestic cigarette manufacturers intimate to the Board the stocks of tobacco available with them as also the likely future requirement thereof.

At present whenever tobacco Board finds that a company, a trader or an exporter, has violated any provision of the parent Act or the rules made thereunder, the matter is taken up with the Commerce Ministry which in turn writes to the Law Ministry for suitable advice. The Board is not in a position to take action until it receives directions from Commerce Ministry. This procedure is time consuming. It is necessary to empower Tobacco Board to initiate action against the offenders as it has its own legal advisers to take necessary action.

Some exporters, who export sub-standard tobacco contrary to the agreement, bring disrepute to the country in world market affecting our export. Stringent penal provisions are necessary to arrest such malpractices.

Hence this Bill.

NEW DELHI;
August 25, 1987.

V. SOBHANADREESWARA RAO

SUBHASH C. KASHYAP,
Secretary-General.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1988